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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,657	06/20/2006	Axel Feger	ARY0004	8877
832	7590	02/10/2009	EXAMINER	
BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			DRIGGERS-FOURNET, GWENDOLYN	
		ART UNIT		PAPER NUMBER
		4127		
		MAIL DATE		DELIVERY MODE
		02/10/2009		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,657	FEGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GWENDOLYN FOURNET	4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 June 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 5-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 5-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 06/20/2008, 07/18/2007.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This communication is a first office action on the merits. Claims 5-8, as amended, are currently pending and have been considered below.

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP04/13062, filed on 11/18/2004.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 07/18/2007 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both pullback assembly and prelock assembly. Corrected drawing sheets in compliance with 37 CFR 1.121(d)

are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities: reference numeral (30) is used to designate both pullback assembly and prelock assembly.

Appropriate correction is required.

***Claim Objections***

5. Claim 8 is objected to because of the following informalities: the recitation "The coupling according to claim 1" should read --The coupling according to claim 5--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, lines 17-18, the recitation “substantially simultaneously moving” renders the claim indefinite because it is unclear how to simultaneously move substantially.

Clarification is required.

The remainder of the claims are rejected since they are dependent on rejected independent claim 5.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Washizu (US 4,913,467).

Regarding claim 5, Washizu discloses a conduit coupling (Abstract, lines 2-3, which disclose a conduit connector) comprising:

a hollow receiver (2), said receiver including a receiving space (column 2, line 36-38, which disclose an insertion bore for receiving conduit);

an insert (1) adapted to be sealingly and lockingly received into said receiving space (column 4, lines 45-48, which disclose sealing engagement of conduit and column 4, lines 55-57, which disclose retention of conduit) said insert including a retaining ring (1a), said insert movable in an insertion direction into

said receiving space (column 2, line 66, which disclose intrusion of conduit into joint body (2)); and

said receiver having a locking element (4) adapted to be moved into said receiving space (figure 1, holder (4) shown protruding into insertion bore),

said locking element perpendicularly movable relative to said insertion direction (figures 5-6 which illustrate perpendicular movement of pawl (4a)) into a raised position (figure 6), a pushed-in position (figures 1 and 4), and a prelocked position (figure 3), said prelocked position being intermediate said pushed-in and said raised positions (figures 3-6 which illustrate movement of conduit into joint body),

said locking element having a first beveled surface (figure 1, on underside of pawl (4a)) adapted to cooperate with said retaining ring to move said locking element from said pushed-in position to said raised position when said insert is initially inserted into a first insertion position (figure 5) in said receiver (column 2, lines 49-52, which disclose annular protrusion (1a) engaging underside of pawls (4a) to position conduit),

said receiver further including a prelock assembly (4a) and a pullback assembly (8) which are adapted to cooperate with said retaining ring when said insert is inserted further into said receiver beyond said first insertion position into a second insertion position (figure 6) wherein said retaining ring has moved out of contact with said beveled surface,

said prelock assembly preventing said retaining ring and said insert from being pulled out of said receiver when said insert has moved into said second position (column 2, lines 49-52, which disclose pawls (4a) preventing removal of conduit once positioned) and

said pullback assembly substantially simultaneously moving said locking element into said prelocked position. (column 3, lines 53-56, which disclose an automatic shift of elastic pawls (8a) to a secured state while installing conduit due to a thrust by elastic piece (8b)).

In regard to the phrase “adapted to be sealingly and lockingly received into said receiving space,” the conduit connector above is adapted to be sealingly and lockingly received into said receiving space (column 4, lines 45-48, which discloses sealing engagement of conduit and column 4, lines 55-57, which discloses retention of conduit).

In regard to the phrase “adapted to be moved into said receiving space,” the conduit connector above is adapted to be moved into said receiving space (figure 1, holder (4) shown protruding into insertion bore).

In regard to the phrase “adapted to cooperate with said retaining ring to move said locking element from said pushed-in position to said raised position when said insert is initially inserted into a first insertion position in said receiver,” the conduit connector above is adapted to cooperate with said retaining ring to move said locking element from said pushed-in position to said raised position when said insert is initially inserted into a first insertion position in said receiver

(column 2, lines 49-52, which disclose annular protrusion (1a) engaging underside of pawls (4a) to position conduit).

In regard to the phrase “adapted to cooperate with said retaining ring when said insert is inserted further into said receiver beyond said first insertion position into a second insertion position wherein said retaining ring has moved out of contact with said beveled surface,” the conduit connector above is adapted to cooperate with said retaining ring when said insert is inserted further into said receiver beyond said first insertion position into a second insertion position wherein said retaining ring has moved out of contact with said beveled surface (figure 6 which illustrates annular protrusion (1a) as it moves out of contact with beveled surface).

Regarding claim 6, Washizu further discloses said prelock assembly comprising a projection (4a) which extends into said receiving space (figure 1, pawl (4a) shown protruding into insertion bore), said beveled surface located on said projection (figure 1, on underside of pawl (4a)).

Regarding claim 7, Washizu further discloses said pullback assembly comprising a second beveled surface (figure 1, shown near (8a)) disposed on said locking element and a third beveled surface (figure 1, shown near (4b)) disposed on said receiver, said second and third beveled surfaces cooperating to generate a force in a direction opposite to the direction of movement of said locking element from said prelocked position to said raised position (column 3,

lines 13-17, which disclose fitting of (8a) into groove (4b) to prevent position movement).

In regard to the phrase “cooperating to generate a force in a direction opposite to the direction of movement of said locking element from said prelocked position to said raised position,” the conduit connector above is adapted to generate a force in a direction opposite to the direction of movement of said locking element from said prelocked position to said raised position (column 3, lines 13-17, which disclose fitting of (8a) into groove (4b) to prevent position movement).

Regarding claim 8, Washizu further discloses said locking element including a click-stop projection (figure 1, the tip of (8a)) and said receiver includes a snap-in projection (figure 1, the protrusion next to (4b)), said click-stop projection located adjacent to and on one side of said snap-in projection in said pushed-in position (see figure 1) and located adjacent to and on another side of said snap-in projection in said prelock position (see figure 4).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ono (US PGPub 2005/0189764) for connector assembly.

Bartholomew (US 4,681,351) for connector assembly.

Corbett et al. (US 5,799,986) for connector assembly.

Rautureau (US 6,983,958) for plug-in connector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWENDOLYN FOURNET whose telephone number is (571)270-5740. The examiner can normally be reached on Mon-Fri 7:30a-5:00p; alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571)272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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